



Department of Toxic Substances Control



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MEMORANDUM

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FROM: Barbara Coler, Chief
Statewide Cleanup Operations Division 

DATE: September 23, 1998

SUBJECT: REMOVAL ACTION WORKPLANS (RAWs)

This memo supersedes the "Removal Actions Workplan-SB 1706" memo, dated March 14, 1995, by Barbara Coler, Division Chief of Statewide Cleanup Operations. It has been under development for several months and has undergone departmentwide review and comment. Despite the sunset of Chapter 6.8, we have determined to finalize it for use in the next months. Additionally, it may be useful as the basis for decision documents produced pursuant to Chapter 6.5. Please distribute this memo to your staff for their use.

The purpose of this memo is to update the process for preparing Removal Action Workplans (RAWs). The RAW is one of two remedy selection documents which may be prepared for a hazardous substance release site pursuant to Health and Safety Code (HSC) section 25356.1. The requirement for preparation of a RAW was created by Senate Bill 1706 (Stats. 1994, Chapter 441). A RAW is prepared when a nonemergency removal action or a remedial action is proposed at a hazardous substance release site which is projected to cost less than \$1,000,000. A RAW is not required prior to taking action at sites where conditions present

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an imminent or substantial endangerment to public health or the environment. A Remedial Action Plan (RAP) should be prepared if the projected capital costs of the removal action or final remedy equal or exceed \$1,000,000. Please see Policy and Procedure #EO-95-007-PP for guidance on the preparation of a RAP. Project Managers should note that sites undergoing remediation pursuant to the California Expedited Remedial Action Reform Act of 1994 Program (ERAP) are required to prepare a Remedial Action Plan (see HSC section 25398.2(e) and 25398.6) for remedial actions.

Other Important Factors

Response actions conducted pursuant to Chapter 6.8 should be conducted in a manner not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan, NCP). The NCP requires the use of an Engineering Evaluation/Cost Analysis (EE/CA) or its equivalent for removal actions with a planning period of six months.

Public participation requirements for the RAW, as outlined in HSC section 25356.1 (h)(1), include preparation of a Community Profile Report to determine public interest in the removal action. Based on the level of interest, DTSC shall take appropriate action to provide opportunities for public comment, which may include conducting a public meeting on the proposed removal action. Based on the NCP requirements for removal actions, minimum public participation requirements would include (in addition to community profile): notice of the RAW in a newspaper of general circulation; provision of a not less than 30 day public comment period; and preparation of a written responsiveness summary. At a minimum, public notice shall be provided to immediately affected citizens, state and local officials, and when appropriate, emergency management agencies. (Refer to #EO-94-002-PP, Public Participation Policy and Procedures Manual, as amended, for additional guidance on preparing public participation documents).

In addition to the requirements in HSC section 25356.1 (h)(1), Project Managers must comply with the Administrative Record requirements. An Administrative Record List will be included in the Removal Action Completion Form, or if a public comment period is being provided as part of the removal action selection process, in the RAW. (Refer to Management Memo #EO-94-004-MM for discussion of Administrative Record requirements and removal actions).

Project Managers should also be aware of the provisions in HSC section 25358.9 (a) (1) and (2) which relate to permitting requirements. Section 25358.9 grants discretion to DTSC to exempt approved removal actions from hazardous waste facility permit requirements if the response action (or that portion of the action) is conducted entirely onsite, as long as the response

action complies with the requirements of the approved RAW or RAP, and all other applicable laws, rules, standards, etc. and with any other condition imposed by DTSC as necessary to protect public health and safety and the environment. (The purpose of HSC section 25358.9 (a), which is similar to federal law (section 121(e)(1) of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), is to avoid redundant procedural permitting steps that could delay cleanups).

Definitions

A "removal action workplan" as defined in HSC section 25323.1 ". . . means a workplan prepared or approved by the department or a California Regional Water Quality Control Board which is developed to carry out a removal action, in an effective manner, which is protective of the public health and safety and the environment. The removal action workplan shall include a detailed engineering plan for conducting the removal action, a description of the onsite contamination, the goals to be achieved by the removal action, and any alternative removal options that were considered and rejected and the basis for that rejection."

"Onsite" as defined by 40 Code of Federal Regulations section 300.400 (e)(1) ". . . means the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action."

Removal Action Workplan (RAW) Content:

RAWs shall include the following:

- a. A description of the site, ownership and operational history, and onsite conditions. This should include a brief description of the site characterization activities conducted, any response actions taken, and the nature and extent of contamination.
- b. Goals to be achieved by the removal action.
- c. A listing of alternative removal measures which were considered in selecting the proposed removal action and a basis for rejecting those removal measures. United States Environmental Protection Agency (U.S. EPA) guidance on "Conducting Non-Time-Critical Removal Actions under CERCLA" identifies the analysis of removal action alternative to include effectiveness, implementability, and cost (emphasis added). RAWs, at a minimum, should include these three items in the analysis of the alternatives to ensure that the RAW is equivalent to the EE/CA.

- d. A description of the techniques and methods to be used in the removal action, including any excavating, storing, handling, transporting, treating, and disposing of material on or off the site.
- e. Sampling and Analysis Plan with corresponding Quality Assurance Plan to confirm effectiveness of RAW, if applicable.
- f. A brief overall description of methods that will be employed during the removal action to ensure the health and safety of workers and the public during the removal action (equivalent to Health and Safety Plan).
- g. The Administrative Record List for the removal action (e.g. all documents, reports, data, policy and guidance documents, statutes, regulations, correspondence, California Environmental Quality Act (CEQA) documents, technical journals, etc. that were relied on or considered when selecting the removal action alternative). Refer to DTSC Management Memo #EO-94-004-MM for additional information on requirements for preparing an Administrative Record List. Project Managers should consult with the Office of Legal Counsel to determine Administrative Record List documents.
- h. CEQA documents, if applicable, should be referenced in the RAW. The specific notice requirements of CEQA are outlined in the CEQA guidance documents and DTSC's Public Participation Manual. The public notice requirements depend upon the type of CEQA document which has been prepared.

RAW PROCESS:

Site Mitigation Project Manager

- Prepares a RAW, or if a RAW is prepared by other parties or contractors, reviews the RAW when the capital costs are projected to be less than \$1,000,000.
- Ensures that the RAW provides for the protection of public health and safety and the environment, equivalent to that which would be provided by a RAP prepared in accordance with HSC section 25356.1 (d).
- Ensures that the RAW has met all state and federal statutory and regulatory requirements.
- Distributes or delegates distribution of draft and final RAW.

- Ensures coordination of public participation and CEQA requirements. If applicable, the Project Manager shall prepare all draft and final CEQA documentation and coordinate CEQA review with Office of Program Audits and Environmental Analysis. The public review of CEQA documents and the RAW shall be done concurrently.
- If applicable, ensures publication of notice of public meeting and generally makes presentation at public meeting.
- Reviews the Community Profile Report.
- Reviews the fact sheet, and ensures distribution of the fact sheet upon approval.
- Ensures public notice of the draft RAW.
- Prepares Responsiveness Summary.
- Reviews and signs-off on all draft and final RAWs.

RAW REVIEW AND APPROVAL PROCESS:

Site Mitigation Unit Chief

- Ensures that the Project Manager has completed and conducted all steps shown above.
- Reviews and approves all public notices and fact sheets.
- Reviews and concurs on all CEQA documents.
- Reviews the Community Profile Report.
- Reviews and signs-off on all Draft/Final RAWs.
- If applicable, attends and makes presentation at the public meeting.
- Reviews and concurs on Responsiveness Summary.

Site Mitigation Branch Chief

- Reviews and approves all Draft/Final RAWs.

- If applicable, attends the public meeting.
- Reviews and approves all CEQA documents and the Responsiveness Summary.

RAW COORDINATION PROCESS:

Office of Legal Counsel:

At the request of the Unit Chief, Office of Legal Counsel will do the following:

- Review Administrative Record List to ensure privileged and confidential materials are protected.
- Review and provide consultation on the RAW or any other legal issues.
- Review Responsiveness Summary or components of Responsiveness Summary.

Office of Program Audits and Environmental Analysis (OPAEA)

- If applicable, OPAEA will review and concur on draft and final CEQA documentation.

Public Participation Specialist:

If applicable, the Public Participation Specialist will do the following:

- Develops a Community Profile Report, or if a Community Profile Report is prepared by other parties or contractors, reviews and approves the Community Profile Report, to determine public interest in the removal action.
- Reviews and approves fact sheets and public notices.
- Facilitates a public meeting, if held.
- At the request of the Unit Chief, reviews the Responsiveness Summary or components of the Responsiveness Summary.

cc: See next page

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cc: Kathleen Hartshorne, Chief
Planning and Policy Unit

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